

FILED IN CHAMBERS
U.S.D.C. Atlanta

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JUL 12 2005

LUTHER D. THOMAS, Clerk
By: *BMW* Deputy Clerk

UNITED STATES OF AMERICA
v.
JAIME GUTIERREZ GARCIA,
a/k/a SHORTY,
FELICITOS LOZANO GONZALEZ,
a/k/a JUNIOR CHAPA
a/k/a PELON,
IVAN DEJESUS CHAPA,
a/k/a TALIBAN,
AYALA JORGE LUIS SOTELO,
a/k/a FLACO,
a/k/a LA TIGO,
a/k/a AARON,
a/k/a EVAN,
CLIVE ANTHONY FRANCIS,
a/k/a BIGEE, and
ALLISTAIR ST. AUBYN CLARKE.

CRIMINAL ACTION

NO.

1:05-CR-254

UNDER SEAL

THE GRAND JURY CHARGES THAT:

COUNT ONE

Beginning on a date unknown to the Grand Jury, but at least as of on or about February 2002, until on or about October 14, 2004, in the Northern District of Georgia and elsewhere, the defendants,

JAIME GUTIERREZ GARCIA,
a/k/a SHORTY,
FELICITOS LOZANO GONZALEZ,
a/k/a JUNIOR CHAPA,
a/k/a PELON,
IVAN DEJESUS CHAPA,
a/k/a TALIBAN,
AYALA JORGE LUIS SOTELO,
a/k/a FLACO,
a/k/a LA TIGO,
a/k/a AARON,
a/k/a EVAN,
CLIVE ANTHONY FRANCIS,

a/k/a BIGEE, and
ALLISTAIR ST. AUBYN CLARKE,

did knowingly combine, conspire, confederate, agree and have a tacit understanding with each other and with other persons known and unknown to the Grand Jury, to violate Title 21, United States Code, Section 841(a)(1), that is, to knowingly and intentionally possess with intent to distribute cocaine, a Schedule II controlled substances, said conspiracy involving at least five (5) kilograms of a mixture or substance containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii), and Title 18, United States Code, Section 2.

COUNT TWO

From on or about February 2004, until on or about October 14, 2004, in the Northern District of Georgia, the defendants,

JAIME GUTIERREZ GARCIA,
a/k/a SHORTY,
FELICITOS LOZANO GONZALEZ,
a/k/a JUNIOR CHAPA,
a/k/a PELON,
IVAN DEJESUS CHAPA,
a/k/a TALIBAN,
AYALA JORGE LUIS SOTELO,
a/k/a FLACO,
a/k/a LA TIGO,
a/k/a AARON,
a/k/a EVAN,
CLIVE ANTHONY FRANCIS,
a/k/a BIGEE, and
ALLISTAIR ST. AUBYN CLARKE,

aided and abetted by each other and by others known and unknown to the grand jury, did knowingly and intentionally possess with the

intent to distribute at least five (5) kilograms of a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(ii), and Title 18, United States Code, Section 2.

COUNT THREE

On or about October 14, 2004, in the Northern District of Georgia, the defendants,

JAIME GUTIERREZ GARCIA,
a/k/a SHORTY,
FELICITOS LOZANO GONZALEZ,
a/k/a JUNIOR CHAPA,
a/k/a PELON,
IVAN DEJESUS CHAPA,
a/k/a TALIBAN, and
AYALA JORGE LUIS SOTELO,
a/k/a FLACO,
a/k/a LA TIGO,
a/k/a AARON,
a/k/a EVAN,

aided and abetted by each other and by others known and unknown to the grand jury, did knowingly and intentionally possess with the intent to distribute at least fifty (50) grams of a mixture or substance containing cocaine base, a Schedule II controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(iii), and Title 18, United States Code, Section 2.

FORFEITURE PROVISION

1. As a result of committing the controlled substance offenses alleged in Counts One, Two, and Three of this Indictment, defendants,

JAIME GUTIERREZ GARCIA,
a/k/a SHORTY,
FELICITOS LOZANO GONZALEZ,
a/k/a JUNIOR CHAPA,
a/k/a PELON,
IVAN DEJESUS CHAPA,
a/k/a TALIBAN,
AYALA JORGE LUIS SOTELO,
a/k/a FLACO,
a/k/a LA TIGO,
a/k/a AARON,
a/k/a EVAN,
CLIVE ANTHONY FRANCIS,
a/k/a BIGEE, and
ALLISTAIR ST. AUBYN CLARKE,

shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendants obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit or to facilitate the commission of the violations alleged in Counts One, Two, Three and Four of this Indictment, including but not limited to the following:

a. MONEY JUDGMENT

A sum of money in United States Currency, representing the amount of proceeds obtained as a result of and the value of property used to commit or facilitate the commission of the offenses charged in Counts One, Two, and Three.

b. CONVEYANCES

- (1) One 2000 Ford Windstar, Georgia license plate AFY 5328, vehicle identification number 2FMZA5049YBB88219;
- (2) One 2000 Honda Accord, Georgia license plate AGZ 2957, vehicle identification number 1HGCG2257YA031539; and
- (3) One 1996 Ford Explorer, Georgia license plate AHH 6950 vehicle identification number 1FMDU32X5TZB81707.

b. CURRENCY

- (1) Approximately \$5,380,950.00 in United States Currency recovered on or about October 11, 2004;

all in violation of Title 21, United States Code, Sections 841, 846, and 853.

2. If, as a result of any act or omission of the defendants,

JAIME GUTIERREZ GARCIA,
a/k/a SHORTY,
FELICITOS LOZANO GONZALEZ,
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a/k/a PELON,
IVAN DEJESUS CHAPA,
a/k/a TALIBAN,
AYALA JORGE LUIS SOTELO,
a/k/a FLACO,
a/k/a LA TIGO,
a/k/a AARON,
a/k/a EVAN,
CLIVE ANTHONY FRANCIS,
a/k/a BIGEE, and
ALLISTAIR ST. AUBYN CLARKE,

any property subject to forfeiture:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

the United States intends, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant(s) up to the value of the above forfeitable property.

A TRUE BILL

James W. Butler
FOREPERSON

DAVID E. NAHMIAS
UNITED STATES ATTORNEY

Richard A. Rice, Jr.

RICHARD A. RICE, JR.
ASSISTANT U.S. ATTORNEY

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